

SEP 30 2005

1 fw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Martucci, et al.

Serial No.: 10/663,317

Group Art Unit: 1772

Filed: 09-15-2003

Examiner: RAYFORD, Sandra M.

For: CORRUGATED HOSE ASSEMBLY

Attorney Docket No: 0153.00095

RESPONSE

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated May 24, 2005, Paper Mail Date Number 20050520 and Office Action dated September 22, 2005, Paper Mail Date Number 09162005.

Restriction to one of the following Groups was required under 35 USC §121:

- I. Claims 1-13 and 22-23, drawn to a hose assembly, classified in class 428, subclass 421; and
- II. Claims 14-21, drawn to a method of making a hose, classified in class 156, subclass 205.

Applicants provisionally elect Group II, claims 14-21 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 1-13 and 22-23 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. Both groups of claims relate to hoses and as such could be examined efficiently in a single application. Since there is a great amount of cross-classification amongst the sub-classes in this class, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants elect the claims of Group II and provisionally withdraw claims 1-13 and 22-23, without prejudice, pending reconsideration of the restriction requirement.


The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

U.S.S.N. Number: 10/663,317
Attorney Docket No.: 0153.00095

The application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

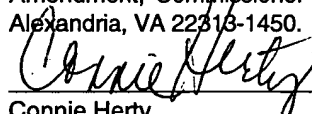


Amy E. Rinaldo, Reg. No. 45,791
30500 Northwestern Highway, Suite 410
Farmington Hills, Michigan 48334
(248) 539-5050

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Mailing Label No.: EV 705773434 US
Date of Deposit: September 29, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Connie Herty